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WORK STOPPAGES AND TEACHERS -- HISTORY AND PROSPECT.

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TEACHER'S STRIKES IN 1966 RESULTED IN 33 STOPPAGES FOLLOWED BY AN ADDITIONAL 11 IN THE FIRST QUARTER OF 1967. ONLY 35 SUCH STOPPAGES WERE RECORDED IN THE ENTIRE PRECEDING DECADE. OF THE 1966 STOPPAGES, 21 OCCURRED IN 10 STATES, BUT 12 OCCURRED IN MICHIGAN FOLLOWING ENACTMENT OF THE STATE'S PUBLIC EMPLOYMENT RELATIONS ACT IN 1965. IN CONTRAST TO INDUSTRIAL STRIKES WHICH TYPICALLY ARISE FROM AN IMPASSE IN NEGOTIATIONS, MANY TEACHER STRIKES TOOK THE FORM OF PROTESTS "TO" THE PUBLIC OR THE LEGISLATURE RATHER THAN "AGAINST" THE SCHOOL AUTHORITIES. MAJOR ISSUES INCLUDED SALARIES, HOURS OF WORK, THE RIGHT TO SPEAK COLLECTIVELY, AND WORK CONDITIONS. IN MOST SALARY DISPUTES, THE SCHOOL BOARDS AND THE PUBLIC WERE RESPONSIVE TO THE TEACHERS' REQUESTS. THIS LARGE-SCALE REACTION TO THE RIGHT OF COLLECTIVE BARGAINING, ALONG WITH SIMILAR EXPERIENCES IN THE PRIVATE ECONOMY, BEAR OUT THE THESIS THAT, IN THE SHORT RUN, MORE RATHER THAN FEWER STOPPAGES MAY RESULT FROM VIGOROUS AND INEXPERIENCED RESPONSE TO A NEW RIGHT TO BARGAIN COLLECTIVELY. PUBLIC SCHOOL TEACHERS ARE EXCEPTIONALLY WELL ORGANIZED. IN MARCH 1967, THE AMERICAN FEDERATION OF TEACHERS, AN AFFILIATE OF THE AFL-CIO, HAD APPROXIMATELY 125,000 MEMBERS, AND THE NATIONAL EDUCATION ASSOCIATION (NEA) HAD ABOUT ONE MILLION MEMBERS. NEA AFFILIATES PARTICIPATED IN 11 OF THE 33 STRIKES IN 1966, ACCOUNTING FOR MORE THAN 80 PERCENT OF ALL TEACHERS INVOLVED. THIS DOCUMENT APPEARED IN "MONTHLY LABOR REVIEW," VOLUME 90, NUMBER 8, AUGUST 1967. (ET)

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# Work Stoppages and Teachers: History and Prospect

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TEACHERS' STRIKES prior to 1966 were sporadic and infrequent. During the 26 years beginning in 1940, a total of 129 such stoppages [1] occurred but only 35 of these were recorded in the decade immediately preceding 1966 (table 1). Relative to the number of teachers or to strikes by other types of workers, this record does not indicate a persistent labor relations problem. Rather, it demonstrates that some teachers had occasionally taken direct action to air their grievances, despite legal prohibitions against strikes by public employees.

The year of 1966 marked a sudden upswing in teachers' strikes. Thirty-three stoppages were recorded during that year, followed by an additional 11 in the first quarter of 1967. Still of limited significance as an indicator of teachers' problems, this increase in strike activity is symptomatic of a growing inclination among teachers and their organizations to take direct action. More broadly, it undoubtedly reflects a remarkable upsurge in the volume of collective bargaining or collective teacher demands, and the confrontations with public officials that ensue.

Strikes by other public employees also rose significantly, tripling from 1965 to 1966. A more aggressive attitude among employee organizations was part of a change that took place in 1966. Executive Order 10988, issued in 1962, had assured the right of employee organization and collective bargaining in the Federal service, and a number of States subsequently enacted legislation of a similarly comprehensive nature. These measures helped strengthen the principle that employee organization and collective bargaining are not incompatible with public administration. Public employee organizations then increased their efforts to secure recognition and negotiation.

## The Matter of Nomenclature

Teachers often refrain from using the term "strike" to describe their work stoppage, preferring instead to stress the protest aspect of their action by means of such substitutes as "professional protest" or "sick leave protest." This preference derives, in part, from the unpleasant connotation of "strike" and the general prohibition against strikes in public employment.

Beyond the matter of terminology, however, there is often an intent to distinguish between the work stoppages of teachers and the strikes of industrial workers. Industrial strikes typically arise from an impasse in negotiations; their purpose is to enforce employee demands, and unions usually hold out until such demands are met or satisfied through a compromise and a settlement is reached. In contrast, many teacher strikes take the form of protests "to" the public or the legislature rather than "against" the school authorities. They may not be preceded by negotiations, and they may not have a settlement as the immediate objective. The stoppage in Kentucky in 1966 illustrates the protest nature of some teacher strikes. In this instance, most of Kentucky's teachers observed a 1-day "professional study day" to protest the education budget passed by the State legislature. The Governor responded by establishing a special commission to make recommendations on additional means of financial help.

The protest nature of teacher work stoppages is reflected in their short durations. Of the 33 stoppages in 1966, 7 lasted 1 day and 2 ended after 2 days; 20 were over in 5 days or less. The average time lost per teacher amounted to 1.8 days, as contrasted with 14.1 days per employee for all strikes during the year. There are, of course, far more risks to the participants of protracted stoppages in public employment than in private industry, reflecting the difference between an illegal, unprotected and a legally protected activity, and the differing concepts of essentiality.

Public school teachers are exceptionally well organized. At the end of the first quarter of 1967,

*Of the Division of Industrial and Labor Relations, Bureau of Labor Statistics.

[1] Includes stoppages involving a minimum of 6 employees and lasting at least 1 full day or session.



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the American Federation of Teachers, an affiliate of the AFL–CIO, had approximately 125,000 members. At the same time, the National Education Association, by far the largest organization of teachers, reported membership of approximately 1 million. Teachers were represented by one or the other of these organizations in 31 of the 33 strikes in 1966.

Affiliates of the National Education Association, which had not been involved in a single stoppage in the 12-year period, 1952–63, and none in 1965, participated in 11 in 1966 (table 2). These 11 stoppages accounted for more than 80 percent of all teachers involved in 1966 stoppages.

## Major Issues

Salaries or hours of work, or both, were the major issues in half of the 1966 stoppages, conforming roughly to the pattern of relative importance of these issues in earlier years (table 3). On the whole, these economic issues played a slightly more important role in teachers' stoppages than among all strikes since 1940, which is not necessarily a commentary on the disadvantaged position of teachers. One distinction of the teachers' activity is that, unlike workers in private industry, they often find themselves in a stoppage over salary levels without having previously achieved recognition or the right to negotiate, or even to discuss salaries collectively. Significantly, only 2 of the 33 stoppages in 1966 involved renegotiation of an agreement.

In most salary disputes in 1966, the school boards and the public were responsive to the teachers' requests and attempts were made to effect some type of satisfactory settlement. Settlements were reported in 14 of the 16 stoppages involving salary issues. In this context, a settlement means reaching some type of accord, including an agreement to negotiate; it does not mean that all of the demands of the teachers had been met prior to their return to the classroom.

Nine of the thirty-three stoppages in 1966 were attempts on the part of teachers to secure from school authorities some type of recognition of their right to speak collectively. In seven of the nine cases, such recognition was granted to the teachers, whether in the form of an agreement to negotiate,

TABLE 1. WORK STOPPAGES INVOLVING TEACHERS, 1940–66

| Year | All schools | | | Public schools | | | Other schools | | |
|---|---|---|---|---|---|---|---|---|---|
| | Stoppages beginning in year | | Man-days idle during year | Stoppages beginning in year | | Man-days idle during year | Stoppages beginning in year | | Man-days idle during year |
| | Number | Workers involved [1] | | Number | Workers involved [1] | | Number | Workers involved [1] | |
| 1940 | 2 | 100 | 900 | 2 | 100 | 900 | | | |
| 1941 | 1 | 120 | 120 | 1 | 120 | 120 | | | |
| 1942 | 2 | 170 | 2,090 | 2 | 170 | 2,090 | | | |
| 1943 | 2 | 100 | 330 | 2 | 100 | 330 | | | |
| 1944 | 4 | 1,710 | 7,960 | 4 | 1,710 | 7,960 | | | |
| 1945 | 1 | 20 | 160 | | | | 1 | 20 | 160 |
| 1946 | 16 | 3,060 | 37,100 | 14 | 3,030 | 36,400 | 2 | 30 | 730 |
| 1947 | 20 | 4,720 | 21,100 | 20 | 4,720 | 21,100 | | | |
| 1948 | 12 | 4,210 | 60,300 | 10 | 4,140 | 59,800 | 2 | 80 | 490 |
| 1949 | 9 | 440 | 920 | 5 | 350 | 490 | 4 | 90 | 430 |
| 1950 | 4 | 90 | 860 | | | | 4 | 90 | 860 |
| 1951 | 10 | 4,510 | 67,000 | 6 | 4,310 | 65,200 | 4 | 200 | 1,830 |
| 1952 | 7 | 1,570 | 7,540 | 7 | 1,570 | 7,540 | | | |
| 1953 | 1 | 170 | 510 | 1 | 170 | 510 | | | |
| 1954 | 2 | 600 | 1,910 | 2 | 600 | 1,910 | | | |
| 1955 | 1 | 220 | 14,900 | 1 | 220 | 14,900 | | | |
| 1956 | 5 | 640 | 1,500 | 5 | 640 | 1,500 | | | |
| 1957 | 2 | 870 | 4,730 | 2 | 870 | 4,730 | | | |
| 1958 | 1 | 50 | 110 | | | | 1 | 50 | 110 |
| 1959 | 2 | 210 | 670 | 2 | 210 | 670 | | | |
| 1960 | 3 | 5,490 | 5,490 | 3 | 5,490 | 5,490 | | | |
| 1961 | 1 | 20 | 20 | 1 | 20 | 20 | | | |
| 1962 | 2 | 20,000 | 20,100 | 1 | 20,000 | 20,000 | 1 | 20 | 120 |
| 1963 | 3 | 2,210 | 2,630 | 2 | 2,200 | 2,590 | 1 | 10 | 40 |
| 1964 | 9 | 14,400 | 30,600 | 9 | 14,400 | 30,600 | | | |
| 1965 | 7 | 1,810 | 8,280 | 5 | 1,720 | 7,780 | 2 | 90 | 400 |
| 1966 | 33 | 37,400 | 68,000 | 30 | 37,300 | 58,500 | 3 | 100 | 9,490 |

[1] Includes all workers made idle for 1 day or longer in school systems directly involved in a stoppage. These figures represent the number idle on the day of peak or maximum idleness. Where idleness fluctuated during the strike, the actual number of workers idle on varying dates was used in computing the man-days of idleness.

NOTE: Because of rounding, sums of individual items may not equal totals.

TABLE 2. WORK STOPPAGES INVOLVING TEACHERS, BY ORGANIZATION,[1] 1940–66

| Year | AFL | | | CIO | | | AFL-CIO | | | Independent organization | | | Professional association | | | Unorganized | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Number | Workers involved [1] | Man-days idle | Number | Workers involved [1] | Man-days idle | Number | Workers involved [1] | Man-days idle | Number | Workers involved [1] | Man-days idle | Number | Workers involved [1] | Man-days idle | Number | Workers involved [1] | Man-days idle |
| 1940 | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | 2 | 100 | 900 | ------ | ------ | ------ |
| 1941 | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | 1 | 120 | 120 |
| 1942 | 1 | 20 | 590 | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | 1 | 150 | 1,500 | ------ | ------ | ------ |
| 1943 | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | 1 | 50 | 140 | ------ | ------ | ------ | 1 | 50 | 190 |
| 1944 | 3 | 1,560 | 7,740 | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | 1 | 50 | 210 | ------ | ------ | ------ |
| 1945 | ------ | ------ | ------ | 1 | 20 | 160 | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ |
| 1946 [2] | 4 | 1,950 | 29,200 | 3 | 120 | 2,060 | ------ | ------ | ------ | ------ | ------ | ------ | 7 | 810 | 4,680 | 3 | 180 | 1,130 |
| 1947 | 6 | 1,230 | 5,500 | 1 | 20 | 200 | ------ | ------ | ------ | ------ | ------ | ------ | 8 | 3,390 | 15,200 | 5 | 80 | 200 |
| 1948 [2] | 4 | 3,550 | 58,200 | 4 | 610 | 1,840 | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | 5 | 60 | 180 |
| 1949 | 1 | 30 | 30 | 4 | 90 | 430 | ------ | ------ | ------ | ------ | ------ | ------ | 1 | 120 | 240 | 3 | 190 | 220 |
| 1950 | ------ | ------ | ------ | 1 | 10 | 110 | ------ | ------ | ------ | 3 | 80 | 760 | ------ | ------ | ------ | ------ | ------ | ------ |
| 1951 [2] | 4 | 4,160 | 63,900 | ------ | ------ | ------ | ------ | ------ | ------ | 3 | 190 | 1,810 | 2 | 130 | 1,330 | 2 | 30 | 30 |
| 1952 | 3 | 1,490 | 7,120 | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | 4 | 90 | 420 |
| 1953 | 1 | 170 | 510 | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ |
| 1954 | 2 | 360 | 1,210 | ------ | ------ | ------ | ------ | ------ | ------ | 1 | 240 | 700 | ------ | ------ | ------ | ------ | ------ | ------ |
| 1955 | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | 1 | 220 | 14,900 |
| 1956 | ------ | ------ | ------ | ------ | ------ | ------ | 3 | 370 | 370 | ------ | ------ | ------ | ------ | ------ | ------ | 2 | 270 | 1,130 |
| 1957 | ------ | ------ | ------ | ------ | ------ | ------ | 1 | 500 | 4,000 | 1 | 370 | 730 | ------ | ------ | ------ | ------ | ------ | ------ |
| 1958 | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | 1 | 50 | 110 |
| 1959 | ------ | ------ | ------ | ------ | ------ | ------ | 2 | 210 | 670 | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ |
| 1960 | ------ | ------ | ------ | ------ | ------ | ------ | 3 | 5,490 | 5,490 | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ |
| 1961 | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | 1 | 20 | 20 |
| 1962 | ------ | ------ | ------ | ------ | ------ | ------ | 1 | 20,000 | 20,000 | ------ | ------ | ------ | ------ | ------ | ------ | 1 | 20 | 120 |
| 1963 | ------ | ------ | ------ | ------ | ------ | ------ | 2 | 2,200 | 2,500 | 1 | 10 | 40 | ------ | ------ | ------ | ------ | ------ | ------ |
| 1964 [2] | ------ | ------ | ------ | ------ | ------ | ------ | 6 | 2,220 | 8,200 | ------ | ------ | ------ | 4 | 12,100 | 22,300 | 1 | 30 | 150 |
| 1965 | ------ | ------ | ------ | ------ | ------ | ------ | 7 | 1,810 | 8,280 | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ |
| 1966 | ------ | ------ | ------ | ------ | ------ | ------ | 20 | 6,050 | 28,500 | 2 | 150 | 200 | 11 | 31,200 | 39,300 | ------ | ------ | ------ |

[1] Includes organizations directly or actively involved in the dispute. The number of workers involved may include members of other organizations, or unorganized workers idled by the action.

[2] The count of strikes by affiliation exceeds the total number of strikes (table 1) because 2 strikes in the year involved 2 organizations each. In these instances, the number of workers involved and man-days idle were allocated among the organizations on the basis of information contained in press reports.

to discuss problems, to hold elections, or in other forms.

The eight stoppages that involved other working conditions best illustrate the protest nature of some teacher work stoppages. In only two cases did teachers achieve an immediate resolution of their grievance; in the remaining cases teachers returned to the classrooms, willingly or not, without obtaining a settlement—if indeed a settlement was actually sought. In some cases, as in the Kentucky stoppage previously referred to, there were subsequent changes in protested policies, apparently in response to the stoppages.

## Legislation and Stoppages

Of the 33 stoppages in 1966, 12 occurred in Michigan and the rest in 10 other States. The Michigan strikes came on the heels of the enactment of the State's Public Employment Relations Act in 1965. This law guaranteed the rights of organization and collective bargaining to all or most public employees, and provided machinery for unit determination, mediation, and resolution of impasses in bargaining. New York is the most recent State to pass such legislation, effective September 1, 1967.

One immediate return of the Michigan act, and one of the more advantageous features of similar measures in other States, was to open the area of

TABLE 3. NUMBER OF WORK STOPPAGES INVOLVING TEACHERS, BY MAJOR ISSUE, 1940–66

| Year | Salaries or hours or both | Organization [1] | Other working conditions [2] |
|---|---|---|---|
| 1940 | ------ | ------ | 2 |
| 1941 | 1 | ------ | ------ |
| 1942 | ------ | ------ | 2 |
| 1943 | 2 | ------ | ------ |
| 1944 | 3 | ------ | 1 |
| 1945 | ------ | 1 | ------ |
| 1946 | 11 | 4 | 1 |
| 1947 | 16 | ------ | 4 |
| 1948 | 4 | 3 | 5 |
| 1949 | 3 | 2 | 4 |
| 1950 | 2 | 2 | ------ |
| 1951 | 4 | 1 | 5 |
| 1952 | 4 | ------ | 3 |
| 1953 | 1 | ------ | ------ |
| 1954 | 1 | ------ | 1 |
| 1955 | ------ | ------ | 1 |
| 1956 | 4 | ------ | 1 |
| 1957 | 2 | ------ | ------ |
| 1958 | ------ | ------ | 1 |
| 1959 | ------ | 2 | ------ |
| 1960 | 2 | 1 | ------ |
| 1961 | ------ | ------ | 1 |
| 1962 | 2 | ------ | ------ |
| 1963 | 2 | 1 | ------ |
| 1964 | 5 | 1 | 3 |
| 1965 | 3 | 2 | 2 |
| 1966 | 16 | 9 | 8 |

[1] Includes strikes to gain recognition of an organization, to strengthen the bargaining position, and to protest discrimination against union membership in or participation in activity of an organization. Wages and hours were also important issues in several of these strikes.

[2] Includes strikes over job security, physical and administrative school conditions and policies, and related problems.

public employee disputes to mediation. Thus, the participation of a mediator was reported in 9 of the 12 Michigan stoppages. In contrast, only 2 of the 21 stoppages in other States reported mediation.

Strikes of public employees have undoubtedly influenced passage of comprehensive State legislation. In the report of the Governor's Committee on Public Employee Relations in New York State, for example, it is noted that the committee was established in response to Governor Nelson A. Rockefeller's request "to make legislative proposals for protecting the public against the disruption of vital services by illegal strikes, while at the same time protecting the rights of public employees."

The relatively high incidence of teacher stoppages in Michigan seems to demonstrate that, when the effective right to representation and negotiation is granted to large numbers of employees for the first time, they respond vigorously. Unfortunately, this large-scale response, compounded by inexperience on both sides of the negotiating table, may result in more rather than fewer stoppages in the short run. Experience in the private economy after passage of the Wagner Act and the law's Supreme Court test bear out this thesis. Assuming the possibility that teacher stoppages in 1967 may exceed the high 1966 level, it would be shortsighted to focus exclusively on disruptive stoppages and ignore the far more significant process of development of the right to representation and collective negotiations.

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There are, however, two differences between this device [mass resignation] and the standard strike which bear noting. The first is that device is less flexible and more cumbersome from the teachers' standpoint than the strike. The ultimate pressure of the device is postponed until the reopening of the schools, which means that this kind of "strike" must always occur in September, a poor timing in view of the budgetary deadlines of the prior spring and summer. Moreover, the delay in impact between the announcement of the threat and the actual work stoppage, conjoined with the questionable credibility of the threat, makes it a much less potent weapon at the bargaining table.

The second difference is that the mass-resignation device, because of its relative sophistication, is not as patently violative of antistrike laws. To this extent, it may present a better image of the profession to the public.

—Robert E. Doherty and Walter E. Oberer, *Teachers, School Boards, and Collective Bargaining: A Changing of the Guard.*